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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,233	01/22/2004	Masao Kaneko	P69453US0	2034

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EXAMINER

LEE, BENJAMIN C

ART UNIT PAPER NUMBER

2632

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,233

Applicant(s)

KANEKO, MASAO

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

Withdrawal of Finality of 11/3/05

1. Final Rejection mailed 11/03/05 was an erroneous submission of an Office action for a different application and, therefore, the finality of that action is withdrawn.

Claims Status

2. Claims 1-4 are pending.

Claim Rejections - 35 USC § 103

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (US 6587040) in view of Takenaga (US 6563459).

1) Regarding amended claim 1:

Seto disclose a position and movement alarm system for transmitting an alarm signal and a new position information (status) of a movement of a movable goods (vehicle) away from its original position when an owner of the movable goods places or stores the movable goods in a place out of the owner's monitor range and the movable goods is moved contrary to an intention of the owner (see Abstract), said system comprising:

a position information monitor alarm terminal (1) installed in the movable goods and having a GPS position information receiving function (4), a cellular phone signal receiving function (7) and an automatic transmission function (7) for transmitting the GPS position status information signal (Fig. 1); and

a cellular phone terminal (11) that automatically and directly receives said information signal transmitted by the position information monitor alarm terminal and processes the received information without going through a third party (Figs. 1-2); wherein the position information

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monitor alarm terminal (1) and cellular phone terminal (11) are physically separated and connected only through a wireless telephone (Fig. 1);

except:

the claimed wherein the GPS position status information signal is a GPS position information digital signal.

While Seto discloses transmitting “emergency information” (col. 3, line 52) or “emergency message data” (col. 5, line 11) indicating a vehicle theft event as a result of detected GPS position change to the cellular phone terminal so that the user is “accurately informed of the event”(col. 5, lines 45-46) without specifying whether GPS position information is included in the transmission, Takenaga teaches the known inclusion of GPS location data in the transmission of a cellular phone signal for reception by a cellular telephone for display (Figs. 2b, 6b).

In view of the teachings by Seto and Takenaga, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include GPS position information such as taught by Takenaga for transmission to and reception by the cellular phone terminal of Seto so that the user is made aware of the current location of the stolen vehicle in order to accomplish the intended objective of keeping the user “accurately informed of the event” of vehicle theft, whereby such GPS position information which are conventionally coordinates and which are to be communicated by conventionally digital cellular networks and cellular phones would have been in digital form such that the transmitted position information would have been in digital form.

2) Regarding new claim 3, Seto and Takenaga render obvious all of the claimed subject matter as in the consideration of amended claim 1, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to apply a plurality of position information monitor alarm terminals in Seto and Takenaga for owners who owns more than one vehicles.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto in view of Takenaga and Dimino (US 5918180).

1) Regarding amended claim 2, Seto and Takenaga render obvious all of the claimed subject matter as in the consideration of amended claim 1, wherein:

a) GPS position information is received and stored in memory 21 of Seto is done so at a predetermined time interval is inherent of GPS position tracking;

b) automatic comparison of old with new GPS position information to determine a difference to generate transmission signal is met by col. 5, lines 6-10 of Seto, in which determining that said difference surpasses a predetermined error range is inherent in order to define such difference determination (i.e. a value or error range threshold needs to be set to recognize or discern that a difference has in fact occurred); while

c) Dimmo teaches the known receiving and storing of GPS position information at a predetermined time interval, and allowing the owner to use a phone terminal (the owner's home computer is of course accessible to the owner directly when at home) to instruct the time at which the position information are transmitted/received/compared (col. 6, lines 50-65) and the use of error range in GPS position difference determination (col. 7, lines 41-56).

Since Seto allows the owner using the cellular phone terminal to control operation of the position information monitor alarm terminal (Fig. 1), in view of the teachings by Seto, Takenaga and Dimmo, it would have been obvious to one of ordinary skill in the art at the time of the

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claimed invention to allow the owner in Seto and Takenaga to use the cellular phone terminal to instruct the time at which the position information are compared as taught by Dimmo to allow user controllability to tailor to the owner's preferences.

2) Regarding new claim 4, Seto and Takenaga render obvious all of the claimed subject matter as in new claim 3, plus the consideration of amended claim 2 further in view of Dimino.

Response to Arguments

5. Applicant's arguments filed 9/15/05 have been fully considered but they are not persuasive.

Applicant's arguments are directed to the claimed invention as amended, which has been rejected under new ground of rejection using new reference or combination. See above rejection for detail.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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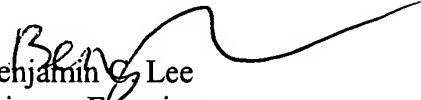
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Thu 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.